

Session 12-05 a Regular Meeting of the Homer City Council was called to order on February 13, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN, HOWARD, LEWIS, ROBERTS,
ZAK

ABSENT: COUNCILMEMBERS: WYTHE (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
COMMUNITY AND ECONOMIC
DEVELOPMENT COORDINATOR KOESTER
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Wythe has requested excusal.

Mayor Hornaday declared Councilmember Wythe as excused and there was no objection from the Council.

Council met as a Committee of the Whole from 5:00 p.m. to 5:35 p.m. to discuss Regular Meeting Agenda items.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the Council with the following changes:
ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS – Mayor’s Summary of Juneau Trip, February 7 – 9, 2012.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Eric Niebuhr, city resident, advocated for Ordinance 12-06 for the motivated group of community members. The \$50,000 contribution will bring HoPP (Homer Playground Project) to half of its goal.

Luke Epperson, city resident, supports Ordinance 12-06 as the playground project directly benefits a large number of members. Creative play as a child develops creativity as an adult, and will bring families together.

Todd Steiner, city resident, supports Ordinance 12-06 as the playground will take care of our kids. HoPP has a reputable architect and the plan has been tried and tested in other communities. HoPP can achieve grants with the City's contribution.

Leonard Wells, city resident, favors Ordinance 12-06, with the exception of allowing future expenditures by resolution. He asked that portion of the ordinance be amended to require an ordinance to expend funds.

RECONSIDERATION

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special and Regular Meeting minutes of January 23, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-018**, from Deputy City Clerk, Re: Liquor License Renewal for Kharacters, AJ's Oldtown Steakhouse & Tavern, Grog Shop East End, Happy Face, Homer Brewing Company. Inc., and Frosty Bear Ice Cream Parlor & Crabbies Seafood.

Mayor Hornaday called for a motion for the adoption of the recommendations of the consent agenda as read.

LEWIS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. **Miranda Weiss, HoPP, Update on the Karen Hornaday Park Playground Project**

Miranda Weiss provided an update on the playground project and acknowledged the people contributing to the project's success. The request for funding is for \$50,000 for the new playground. The City secured \$250,000 in state capital funds nearly two years ago for improvements to Karen Hornaday Park. Additionally, the City allocated \$55,000 for improvements at the park. Hopp requests \$50,000 of those funds.

The playground project includes: tree fort, twisty slide, hill slide, a float plane, climbing structures and mats, multiple boats and sandboxes, a train, a water feature, trails, balancing and bouncing structures, boulders, benches, landscaping and swings. There will be a fenced area for the community's youngest members, a tot lot up to age 5, and structures and equipment for everyone else. There will be handicap accessible equipment and trails, and chairs for sitting. Provided funding is met, the playground will be built in a barn raising manner from Sunday, May 20 through Sunday, May 27. There will be hundreds of volunteers working under professional direction from 7:00 a.m. to 9:00 p.m. with borrowed and donated tools. The goal is to raise \$220,000 to make it happen.

Karen Hornaday Park is about 38 acres that came into public ownership in the 1960's. It was originally a homestead, then the fairgrounds before becoming public land. The acres are restricted by deed so that they are forever dedicated for recreational purposes for the community. Many improvements have been made to the park including the ballfields, campground, and playground. The park has been well used and loved over the years. The Karen Hornaday Park Master Plan was approved June 2009, with an ambitious and inspiring vision for the park. Playground improvements were identified as a priority engaging the community and adopting the playground as a project. HoPP has done just that.

HoPP first got together in April with representatives of the City, the Parks and Recreation Advisory Commission, Friends of Woodard Creek, and parents. At the second meeting they had a name, two co-chairs, and a mission. HoPP has developed into a highly organized group with different committees for different things.

Members include: Rebecca Clark – Fundraising Committee
Cheryl Illg – Children's Outreach
Todd Steiner – Consultant and Counselor on Construction
Deb Cox – Inspired the Project

Angie Newby – Co-chair of Fundraising Committee
Kara Clemmons - Childcare Operations
Tolya Stonorov – Professional Architect
Jarred Cook – Designer and Builder

HoPP is organized, has a number of people doing different things, and over 300 people on their contact list. There is incredible momentum building and \$50,000 from the City would mean a great deal. There is a pending grant with Rasmuson Foundation for \$25,000. HoPP announced a fundraising challenge that before February 27th the group will raise \$22,000 to bring their amount up to \$100,000.

Soldotna Mayor Peter Micciche advocated for the project and provided an overview of a similar playground improvement in Soldotna.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS **REPORT/COMMISSION**

- A. **Mayor’s Proclamation** - Brother Asaiah Bates Day – February 14, 2012

Mayor Hornaday read the proclamation.

- B. Mayor’s Summary of Juneau Trip, February 7 – 9, 2012

- C. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Homer delegation did a fine job in Juneau and was well received. The main topic was the gas line with the message from administration that if not too much money was spent it would not be vetoed. The more the City can get its core area development together the stronger the case will be. There should be significant assistance for the project in Juneau.

Assemblyman Smith stated the Assembly has not taken a position on HB184.

- D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Robert Archibald reported the commission has just revised their strategic plan and has three committees: Karen Hornaday Park, Kachemak Drive Path Committee, and the Spit Campground Committee. The most active is the Karen Hornaday Park Committee. They have been struggling for some time with the Friends of Woodard Creek to see the things they want to happen at the park. The commission is happy to see HoPP come along and recommended to fund the group. HoPP is a dynamic group and it will be another step in keeping the park up. The commission has discussed the park host volunteer program due to vandalism and the investment at Karen Hornaday Park. The commission hopes to make more recommendations for funding at the park as other big entities require repairs.

5. Port and Harbor Advisory Commission

Councilmember Hogan reported he attended the International Pacific Halibut Commission (IPHC) meeting in Anchorage on his own will. Although we lobbied for the meeting in Homer from the large turnout he doesn't think Homer could handle it. The IPHC has been overestimating the biomass for a long time. There are intended harvest restrictions for the next year. The commercial sector will have nearly a 20% cut from last year, a big impact to our halibut landings. At an industry section meeting he was cornered by advocacy groups of the fishermen's organizations. They asked him to bring a message to the Council. This year Homer was made the #2 port and unless they see a demonstration that Homer supports the commercial industry they will make us #4. He invited them to speak to Council directly. The perception is that Homer is anti-commercial. We need to pay attention to the message and address it in a positive manner.

PUBLIC HEARING(S)

A. Crittenden Drive Reconstruction and Paving Improvement District

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

B. Ordinance 12-05, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Kenai Peninsula Borough Parcel No. 17714019 (Lot 2, Glacier View

Subdivision No. 18), in the Amount of \$260,000 from the General Fund Balance for the Purpose of Providing Land for Future Expansion of the City Public Works Complex. City Manager. Introduction January 23, 2012, Public Hearing and Second Reading February 13, 2012.

Memorandum 12-012 from City Manager as backup.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-05 by reading of title only for second and final reading.

HOWARD/ROBERTS - SO MOVED.

City Manager Wrede reported there are no restrictions on the use of the property related to the transfer title. The title report has been done and one objection will be rectified at closing.

City Attorney Klinkner agreed there are no encumbrances or restrictions on the property through the title.

ZAK/HOWARD – MOVED TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE PRICE.

There was no discussion.

VOTE: YES. ROBERTS, ZAK, HOWARD, HOGAN, LEWIS

Motion carried.

Council adjourned to Executive Session at 6:47 p.m. and reconvened at 6:58 p.m.

Acting Mayor Pro Tempore Roberts reported Council spoke with the City Attorney and City Manager and gave them direction as to how to proceed on this matter.

VOTE: (main motion) NO. LEWIS, ROBERTS, ZAK, HOWARD, HOGAN

Motion failed.

ORDINANCE(S)

- A. **Ordinance 12-06**, An Ordinance of the City Council of Homer, Alaska, Amending the Karen Hornaday Park Project Budget Established via Ordinance 11-22 by Appropriating an Additional \$50,000 for Playground Equipment and Materials and Providing that Future Budget Amendments be Made by Resolution. City Manager/Parks and Recreation Advisory Commission. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-019 from Parks and Recreation Advisory Commission as backup

Mayor Hornaday called for a motion for the adoption of Ordinance 12-06 for introduction and first reading by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 12-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating and Transferring \$81,000 from the General Fund Reserve (Fund Balance) to the City Hall Complex Budget for the Purpose of Acquiring New Furniture at City Hall. City Manager. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-023 from City Manager as backup.

ROBERTS/LEWIS - MOVED FOR THE ADOPTION OF ORDINANCE 12-07.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 12-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for FY 2009 and FY 2010 in the Amount of \$35,512.50,

and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-08 for introduction and first reading by reading of title only.

HOWARD/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Ordinance 12-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget by Appropriating \$27,275.01 (in Equal Amounts from the Public Works, Water and Sewer Reserve Accounts) for the Purchase of a Used Skid-Mounted Steamer Equipment Unit. City Manager/Public Works Director. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-024 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-09 for introduction and first reading by reading of title only.

LEWIS/HOWARD - SO MOVED.

Councilmember Roberts expressed her thanks to Public Works for an innovative solution to the problem. A lot of people have missed having the equipment.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Ordinance 12-10**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 21.27, East End Mixed Use District, Amending Homer City Code 21.10.010, Zoning Districts, and Amending the Homer Zoning Map to Rezone Portions of the Rural Residential, General Commercial One and General Commercial Two Zoning

Districts to East End Mixed Use. Planning. Recommended dates: Introduction February 13, 2012, Public Hearing and Second Reading February 27, 2012.

Memorandum 12-021 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-10 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum from Port and Harbor Director, Re: End of 2011 Year Update & Upcoming 2012 Projects

At the last meeting, the Council requested a presentation from the Port and Harbor Director which contained the elements of the year-end report he prepared for his staff and the Port and Harbor Commission. Bryan has prepared a written report and a power point presentation for you. His presentation will be the City Manager's report for this meeting. I may have several items that I will report on verbally and of course, the Council can ask questions about items of interest.

Port and Harbor Director Bryan Hawkins provided a report on the 2011 and proposed 2012 projects for the port. A PowerPoint presentation on the different projects accompanied his report.

2011 accomplishments include: Spit Parking; Derelict Boats; Deep Water Dock Security Gate System; Barge Ramp; Uplands Leases; Ordinance for Managing Dredge Materials on the Homer Spit; Pioneer Dock Sediment Basin Project; Spring and Fall Expanded Dredging Effort at the Harbor; Harbor Condition Survey; Alaska Clean Harbors; Fish Dock Projects; Port Maintenance Returns; Alaska Association of Harbormasters and Port Administrators 32nd Annual Conference; Homer Spit Sign Post Project; Hickory Parking Lot Improvement Project; Petro Marine Pipeline Project; Alaska Marine Highway System Lot 48 Warehouse Project; Marketing; Harbor Improvement Committee; Harbor Tug Projects; Deep Water Dock Cruise Ship Head Tax Grant Monies; Load and Launch Ramp; Tsunami Warning System.

Port and Harbor Director Hawkins indicated their goals for 2012:

Pioneer Dock:

- Complete the pipeline from Petro Marine terminal to the face of the dock.
- Begin the planning stages of demolishing the old Main Dock. It's time for us to take it down before it falls down.
- Complete repairs to the mooring dolphin.

Deep Water Dock:

- Develop a time line for head tax money projects.
- See attached list of projects.

Beach Moorage Facility:

In terms of projects that will bring new revenue sources to the Enterprise, it has been suggested that we create a barge mooring facility just off the beach between the fishing lagoon entrance and the northern end of the harbor. Staff will bring the results of an industry survey and a request for permitting to the Port Commission and City Council by April. I hope to have a decision by June and if it is decided to build, that we contract and begin construction in October 2012. See attached diagram for project overview.

Fishing Lagoon:

How do we maintain this important community asset? I believe that 2012 will be the year that we tackle this challenge. From my perspective, we need accurate numbers to work with. So far we've all been guessing about the quantities of material needed to be removed from the lagoon. We need a hydrographic survey to be done so that accurate volumes can be calculated for cost purposes. Costs for a survey will be in the range of \$3,000 to \$5,000.

Once we have that information, a small committee can be organized whose mission will be to research options for a response to the sedimentation issue. I would highly recommend the coastal engineers at DOT be on this team as well as Fish and Game and the City. Further, by benefit of hindsight, I can see the reason we ended up facing this issue is because once the Fishing Lagoon was built, no thought was given to maintaining it. One of the goals of the committee should be to create a maintenance schedule for preventative care and to identify a source of funding for that purpose. The coastal engineers and hydrologists will be able to help us with this need as well.

Load and Launch Ramp:

- Complete the engineering and design for the Load and launch Ramp refurbishment.

Fish Dock/Ice Plant:

- Rebuild Ice Chute.
- Refurbishment of two more dock cranes.
- Complete corrosion protection which will require replacing zincs. Was recommended in the 2011 dock condition survey under the dock.

- Continue replacing fish dock gratings.

Harbor Basin:

- In addition to the normal day to day maintenance of the harbor facility, Port Maintenance plans to step up efforts this spring and summer and address concrete spalding on the floats.
- The Harbor Improvement Committee will continue working on the harbor project list with a goal of securing funding for the approved projects.

B. Games Report

C. Records Inventory Report

CITY ATTORNEY REPORT

There were no questions asked of the attorney.

COMMITTEE REPORT

A. Public Arts Committee

B. Transportation Advisory Committee

C. Permanent Fund Committee

Permanent Fund Committee Chair Howard reported the committee will present their recommendation to readopt the Permanent Fund investment policies at the March 27th council meeting.

D. Lease Committee

E. Port and Harbor Improvement Committee

Port and Harbor Improvement Committee Chair Howard reported the committee will make their presentation to the Port and Harbor Advisory Commission on February 22nd. It will bring the commission up to speed as there are good numbers for the projects and good information.

F. Employee Committee Report

13. PENDING BUSINESS

- A. **Resolution 12-008**, A Resolution of the City Council of Homer, Alaska, Approving a Cooperative Agreement Between the Alaska Department of Fish and Game, Division of Sport Fish, and the City of Homer, Regarding Repair, Replacement, and Rehabilitation of Infrastructure and Facilities at the Homer Load and Launch Ramp. City Manager/Port and Harbor Director. (*Postponed from January 23, 2012*)

MOTION ON THE FLOOR FROM JANUARY 23RD: Motion for the adoption of Resolution 12-008 by reading of title only.

City Manager Wrede reported Fish and Game will have the boat launch facility completed by December 31st.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 12-012**, A Resolution of the City Council of Homer, Alaska, Amending the Port and Harbor Advisory Commission Bylaws Regular Meeting Time to be 5:00 p.m. in the Months of September through April and 6:00 p.m. in the Months of May, June, July, and August. City Clerk.

Memorandum 12-022 from Port and Harbor Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-012 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-013**, A Resolution of the Homer City Council Expressing Support for the Homer Playground Project Proposal to Construct a New Playground at Karen Hornaday

Park During a "Build Week" Scheduled for May 21-27, 2012, and Encouraging Community Participation. City Manager/Parks and Recreation Advisory Commission.

Memorandum 12-020 from Parks and Recreation Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-012 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Resolution 12-014**, A Resolution of the Homer City Council Approving a Mutual Aid Agreement Between the City of Homer Fire Department and Anchor Point Fire and Emergency Medical Service Area. City Manager/Fire Chief.

Mayor Hornaday called for a motion for the adoption of Resolution 12-014 by reading of title only.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 12-015**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Kenai Peninsula Economic Development District 2013 Economic Outlook Forum to Meet in Homer. Mayor/Zak.

Mayor Hornaday called for a motion for the adoption of Resolution 12-015 by reading of title only.

ZAK/HOWARD - SO MOVED.

The forum is held late January or early February each year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 12-016**, A Resolution of the City Council of Homer, Alaska, Expressing Support for House Bill 184 Relating to the Sharing of Tax Revenue from the Fisheries Business Tax and Fishery Resource Landing Tax with Municipalities; and Providing for an Effective Date. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-016 by reading of title only.

HOGAN/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Barbara Smith, city resident, recently purchased the Dolphin Villa apartments. Water bills will be nearly doubled by an additional \$45 water/sewer charge (\$5,400 per year) that is to be assessed this month.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede reported Council accepted \$450,000 in grant money for the Kachemak Drive Water and Sewer project. Public Works Director Meyer found out that project might not be eligible for grant monies, but other water and sewer projects on the Water and Sewer Master

Plan will be eligible. At a future meeting he will provide a recommendation of the projects that may be used for the matching grant.

COMMENTS OF THE MAYOR

Mayor Hornaday had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Zak wished everyone a Happy Valentines Day. He referenced things to do in your neighborhood that were listed in the employee newsletter like shoveling around fire hydrants.

Councilmember Hogan referenced Resolution 11-094(S) and apologized to apartment owners that it was adopted without comments. He is concerned that Council didn't notice significant changes in the substitute resolution and would like Council to revisit it. It is unfair to the public, especially since Council has refused to consider charging for free water on the floats. It really affects the apartment owners that have leases and can't pass the extra cost on to their tenants. It is bad faith on the part of the Council to issue such an onerous change.

Councilmember Lewis commented that this weekend Homer Hockey sent two teams to Anchorage to participate in the presidential tournament. The Pee Wee's took first place and the Bantams took second.

Councilmembers Roberts and Howard had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:24 p.m. The next Regular Meeting is Monday, February 27, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____